

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BOBBY LEWIS,

Plaintiff,

v.

THE DOW CHEMICAL COMPANY,

Defendant.

Case No. 24-12911

Honorable Laurie J. Michelson

ORDER GRANTING PLAINTIFF LEAVE TO AMEND COMPLAINT [1]

Bobby Lewis alleges he was discriminated against on the basis of his race in violation of 42 U.S.C. § 1981 and the Michigan Elliott-Larsen Civil Rights Act. (*See* ECF No. 1.) He brings claims of racial discrimination in violation of § 1981 and retaliation, race discrimination, and hostile workplace environment in violation of ELCRA. On January 17, 2025, Lewis' former employer, the Dow Chemical Company, moved to dismiss each count of Lewis' complaint for failure to state a claim. (ECF No. 11.)

Without expressing any view regarding the merits of Dow's motion to dismiss, the Court will grant Lewis the opportunity to file an amended complaint to remedy the purported defects that Dow has raised in its motion to dismiss.

The Court does not anticipate allowing Lewis another opportunity to amend to add factual allegations that he could now include in his amended complaint. So this is Lewis' opportunity to allege all additional facts that may cure any of the alleged

deficiencies in his complaint and that could support his claims. *See Wysong Corp. v. APN, Inc.*, 889 F.3d 267, 273 (6th Cir. 2018).

Accordingly, by February 7, 2025, Lewis shall either file (1) an amended complaint or, if he believes that amendment is not necessary, (2) a response brief to Dow’s motion. If Lewis elects the first option, Dow’s motion to dismiss will be denied without prejudice to filing a second motion to dismiss—if warranted. Under either option, if the Court ultimately finds that the factual allegations supporting a claim do not “allow[] the court to draw the reasonable inference that the defendant is liable for the misconduct alleged,” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), the Court will likely dismiss that claim with prejudice. Thus, as stated, this is Lewis’ one opportunity to allege all additional facts that may cure any of the alleged deficiencies in the complaint.

IT IS SO ORDERED.

Dated: January 23, 2025

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE